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May 2, 2011

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554

Re: Notice of *Ex Parte* in WC Docket Nos. 02-60 and 10-90 Brazos Valley Council of Governments

Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, we hereby provide notice of an oral *ex parte* presentation in connection with the above captioned proceedings. On April 29, 2011, Tom Wilkinson, Executive Director of the Brazos Valley Council of Governments ("Brazos"), Lou Lehrman of Fabiani & Company, and undersigned counsel met with Carol Matthey, Deputy Chief, and Patrick Halley, Policy Advisor, of the Wireline Competition Bureau, Attorney Advisors Jamie Susskind, Alexander Minard, and Chin Yoo in the Telecommunications Access Policy Division of the Wireline Competition Bureau, and Kerry McDermott, Health Care Director, Office of Strategic Planning and Policy Analysis.

We discussed a number of issues relating to the Commission's *Notices of Proposed Rulemaking* in the above-referenced dockets (FCC 10-125, rel. Jul. 15, 2010; FCC 11-13, rel. Feb. 9, 2011). Specifically, we discussed the urgent need for health care grade broadband connectivity in the Brazos Valley region of Texas. Addressing this need will benefit the region by increasing health care availability and helping to reduce costs through increased utilization of telehealth and telemedicine. We discussed how a proposed health network to be built and managed by Brazos 2020 Vision, Inc., a non-profit corporation, would require a one-time universal service fund investment rather than a perpetual subsidy. Brazos 2020 Vision, Inc. is

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well positioned to provide this needed connectivity beginning as soon as 12 months from when funding is committed.

We also discussed important issues raised in the Commission's Connect America Fund Notice of Proposed Rulemaking. Specifically we expressed concern that merely ensuring the provision of internet connectivity to anchor institutions in unserved areas will not address the needs of rural health care providers because such connections cannot guarantee security, availability, and quality sufficient for health care applications. We discussed the fact that only physically redundant connections can ensure that critical health networks are available during natural disasters and other emergencies – precisely when they are needed most.

Fostering the continued development of dedicated regional and statewide health networks is essential to meeting this Administration's national goals for Health Information Technology, electronic health records, and health care availability. We discussed the fact that dedicated health networks need not be physically separate from non-health networks and that the Commission should continue Rural Health Care Pilot Program policies concerning excess capacity which ensures that infrastructure will be deployed efficiently within rural areas. We discussed examples of Rural Health Care Pilot Projects successfully using excess capacity to help sustain their networks while providing retail service providers opportunities to reach more customers and provide better services in rural areas.

Finally, we discussed support that Brazos has received from members of the Texas congressional delegation. A copy of our presentation slides and letters of support are enclosed.

If you have any questions or require any additional information, please contact undersigned counsel directly.

Sincerely,



Jeffrey A. Mitchell
Counsel for Brazos Valley
Council of Governments

Enclosures

cc: Carol Matthey, Esq.
Patrick Halley, Esq.
Amy Bender, Esq.
Jamie Susskind, Esq.
Kerry McDermott